

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of	)	CA 03-11
	)	
FUJITA & ASSOCIATES, Akira Fujita	)	
and Edwin H. Maruyama,	)	
	)	
Respondents.	)	
_____	)	

CONCILIATION AGREEMENT

On or around September 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Fujita & Associates, Akira Fujita and Edwin H. Maruyama (collectively "Fujita"). Fujita is registered with the Business Registration Division as doing business in civil engineering, whose business address is 765 Amana Street, Suite 201, Honolulu, Hawaii. Business registration records list Akira Fujita as President and Edwin H. Maruyama as Vice -President of Fujita. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Fujita and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or

corrective action taken by Respondents pursuant to section 11-216(g),  
HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
  - 1. On or around September 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Jeremy Harris campaign committee ("Harris"), the Ben Cayetano campaign committee ("Cayetano"), the Mazie Hirono campaign committee ("Hirono") and the Kimo Apana campaign committee ("Apana"), initiated an investigation involving violations of the campaign statute.
  - 2. Section 11-204(a)(1)(B), HRS, reads in part as follows: No person or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.

3. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
4. Section 11-204(h), HRS reads in part as follows:...an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
5. Section 11-202, HRS reads in part as follows:...No person shall make a contribution of the person's own money or property , or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
6. Sections 11-212 and 11-213, HRS requires noncandidate committees to file accurate and timely reports to the Commission.
7. The Commission finds that during the period 1996 through 2002 Fujita made contributions to the subject candidates totaling \$49,700.
8. For the 1998 election period Fujita, employees and family members made contributions to Cayetano totaling \$23,000.
9. Fujita made contributions to Cayetano totaling \$6,000 for the 1998 election period.

10. Edwin Maruyama made contributions to Cayetano totaling \$3,500 for the 1998 election period.
11. Amelia Maruyama, wife of Edwin Maruyama, made contributions to Cayetano totaling \$3,500 for the 1998 election period.
12. Misty Dydasco, daughter of Edwin Maruyama, made a contribution of \$1,000 to Cayetano for the 1998 election period.
13. Jose Dydasco, son-in-law of Edwin Maruyama, made a contribution of \$1,000 to Cayetano for the 1998 election period.
14. Glenn Fujita, son of Akira Fujita, made contributions on three occasions to Cayetano totaling \$4,000 for the 1998 election period.
15. Irvin Fujita, nephew of Akira Fujita, made a contribution of \$1,000 to Cayetano for the 1998 election period.
16. Kameyo Fujita, sister-in-law of Akira Fujita, made a contribution of \$1,000 to Cayetano for the 1998 election period.
17. Roy Fujita, brother of Akira Fujita made a contribution of \$1,000 to Cayetano for the 1998 election period.
18. Scott Fujita, son of Akira Fujita, made a contribution of \$1,000 to Cayetano for the 1998 election period.
19. For the 2000 election period Fujita, employees and family members made contributions to Harris totaling \$16,000.
20. Fujita made a contribution of \$250 to Harris for the 2000 election period.

21. Akira Fujita made two contributions totaling \$3,750 to Harris for the 2000 election period.
22. Edwin Maruyama made three contributions totaling \$4,000 to Harris for the 2000 election period.
23. Amelia Maruyama, wife of Edwin Maruyama, made two contributions totaling \$3,000 to Harris for the 2000 election period.
24. Misty Dyasco, daughter of Edwin Maruyama, made a contribution of \$2,000 to Harris for the 2000 election period.
25. Michael Yamaguchi, an employee of Fujita, made a contribution of \$2,000 to Harris for the 2000 election period.
26. Glenn Fujita, son of Akira Fujita, made a contribution of \$500 to Harris for the 2000 election period.
27. Scott Fujita, son of Akira Fujita, made a contribution of \$500 to Harris for the 2000 election period.
28. The Commission finds that Fujita, officers and family members made contributions to Apana in the amount of \$4,200.
29. The Commission finds that Fujita, officer and family members made contributions to Hirono in the amount of \$6,500.
30. That Fujita did not file complete disclosure reports pursuant to sections 11-212 and 11-213, HRS.

## VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-11, Fujita understands and agrees to the following:

- (A) Fujita agrees to an assessment of **Eleven Thousand Dollars (\$11,000)** pursuant to section 11-228, HRS.
- (B) The Commission finds a violation of section 11-202, HRS, making campaign contributions in the name of another to the Cayetano and Harris campaign committees.
- (C) The Commission finds a violation of section 11-204, HRS, making campaign contributions in excess of the contribution limits to the Cayetano and Harris campaign committee.
- (D) The Commission finds that pursuant to sections 11-212 and 11-213, HRS, disclosure reports were not complete.
- (E) Fujita agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (F) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

- X. This Agreement constitutes the entire agreement between the Commission and Fujita on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

**FOR THE COMMISSION:**

Robert Y. Watada, Executive Director

By: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR THE RESPONDENT(S)**

Akira Fujita

By: \_\_\_\_\_

(Name)

(Title)

Date: \_\_\_\_\_